IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.1646 OF 2006

Mrs. Perviz D. Adagara & ors. .. ..Petitioners
Versus
N.M.Wadia & ors. .. ..Respondents

Mr.Rajevkumar with Ms Sheetal Kumar i/b M/s. M.M.Patel & Co.for petitioners
Mr.A.K.Abhyankar for respondent

CORAM : P.V.KAKADE, J.

DATE : 17TH APRIL,2006

P.C.:

1. Heard the learned counsel for both the parties.

2. Without going into the merits of the petition, it is agreed between the parties that the suit involved in this petition i.e. T.E.& R. Suit No.78 of 2002 and sister suit bearing RAE Suit No.531 of 2000, which is also pending adjudication before the same court should be directed to be adjudicated simultaneously (not by a common evidence and judgment). Taking into account the facts and circumstances involved in both the suits, I am of the view that the interest of justice would be served if specific direction is issued to the trial court to proceed with the matter simultaneously so as to adjudicate and dispose off

both the matters separately but simultaneously so as to deliver the judgments on one and the same day after rasing specific issues separately in the said suits.

3. Hence, the trial court is directed to adjudicate the suit R.A.E. Suit No.531 of 2000 and T.E. & R. Suit No.78 of 2002 by recording separate evidence but shall dispose those of simultaneously, as the parties and properties involved in both the proceedings appear to be the same and it would be convenient for both the parties and their legal counsel to proceed with the matter, if simultaneous hearing is held. It is further directed that both the suits shall be adjudicated after hearing both the parties, according to law, so as to dispose those of within one calender year from the date of this order. With this direction the petition stands disposed of with no order as to costs.